



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. 225

PERMIT No. 582

APPLICATION No. 1219

This is to certify, That **C. T. Loftus and J. L. Creeks** Notice of Assignment (Over)
of **Dunsmuir, California,** ha~~ve~~^{ve} made proof to the satisfaction of the Division
of Water Rights of California of a right to the use of the waters of **Charley Creek**
in **Shasta County, California,** tributary of **Sacramento River**
for the purpose of **irrigation**

under Permit No. **582** of the Division of Water Rights and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights and the terms of the said permit; that the priority of the right herein confirmed dates from **March 25th,**

1919; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **forty-four hundredths (0.44) cubic foot per second** from about April 15th to about November 1st of each season, or its equivalent in case of rotation.

The point of diversion of such water is located **one thousand seven hundred sixty feet west and two thousand nine hundred seventy feet north from the southeast corner of Section 22, T. 35 N. R. 5 W. M.D.M., being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 22.**

A description of the lands or the place where such water is put to beneficial use is as follows:

**4 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
26 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and
5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, T. 35 N.R. 5 W. M.D.M.
or a total of 35 acres**

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in section 20 of Chapter 586, Statutes 1913, which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation or said commission shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and providing, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness the signature of the Chief of the Division of
Water Rights, Department of Public Works of the
State of California, and the seal of said department
this **28th** day of **March**, 19 **23**.

(SEAL)

(H. A. Kluegel)

Chief of Division of Water Rights, Department of
Public Works of the State of California

REVOKED

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. 226 DATE REC'D 5/6/33 PERMIT No. 703 APPLICATION No. 1569
ASSIGNMENT TO John S. Smith
This is to certify, That Mary S. Markwell,

of St. Helena, California, has made proof to the satisfaction of the Division
of Water Rights of California of a right to the use of the waters of Napa River
in Napa County, California, tributary of San Pablo Bay
for the purpose of irrigation

under Permit No. 703 of the Division of Water Rights and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights
and the terms of the said permit; that the priority of the right herein confirmed dates from December 1919

1919: that the amount of water to which such right is entitled and hereby confirmed, for the purpose
aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed twenty
hundredths (0.29) cubic foot per second from about April 1st to about September 1st
of each season, or its equivalent in case of rotation.

The point of diversion of such water is located three hundred feet below the stone bridge over
Napa River at St. Helena, on the right bank of said river, being within the project
Section 30, T. 8 N. R. 5 W. M. D.M.

A description of the lands or the place where such water is put to beneficial use is as follows:

25 acres bordering on the right bank of the Napa River, and formerly known as the
Snowball Estate, as shown on map on file with the Division of Water Rights at
Sacramento, California.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diver-
sion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and condi-
tions set forth in section 20 of Chapter 586, Statutes 1913, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and *providing*, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs thereof, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and *providing*, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and *providing*, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness the signature of the Chief of the Division of
Water Rights, Department of Public Works of the
State of California, and the seal of said department
this 28th day of March, 1933.

(SEAL)

(H. A. KLUEGEL)

L 225

6/16/47

RECEIVED NOTICE OF ASSIGNMENT TO

East of J. L. Creek to Charles P.
Loftus

10/24/50

RECEIVED NOTICE OF ASSIGNMENT TO

Partial

Timothy J. Loftus

6-29-61

RECEIVED NOTICE OF ASSIGNMENT TO

Lakeshore Heights Mutual
Water Co.

2

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 1219

PERMIT 582

LICENSE 225

ORDER ALLOWING CHANGE IN CHARACTER OF USE

WHEREAS license was issued to C. T. Loftus and J. L. Ereeks and was filed with the County Recorder of Shasta County on December 5, 1925, and

WHEREAS license was subsequently assigned to Lakeshore Heights Mutual Water Company, and

WHEREAS licensee has established to the satisfaction of the State Water Rights Board that the change in character of use under Application 1219, Permit 582, License 225, for which petition was submitted on June 29, 1961, will not operate to the injury of any other legal user of water and the Board so finds;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the character of use under said Application 1219, Permit 582, License 225, to character of use as follows, to wit:

DOMESTIC USE

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 20th day of November, 1961



L. K. Hill
L. K. Hill
Executive Officer

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 1219

PERMIT 582

LICENSE 225

ORDER ALLOWING CHANGE IN PURPOSE OF USE, CORRECT THE DESCRIPTION OF THE
POINT DIVERSION AND AMEND THE LICENSE

WHEREAS:

1. License 225 was issued to C. T. Loftus and J.L. Creeks and was filed with the County Recorder of Shasta County on December 21, 1925.
2. License 225 was subsequently assigned to Lakeshore Heights Mutual Water Company.
3. An order allowing change in purpose of use was granted on November 20, 1961 and has been recorded with the County Recorder of Shasta County on November 20, 1961 in Book 687, Page 431.
4. A petition for change in the place of use has been filed with the State Water Resources Control Board and said board has determined that good cause for such change has been shown.
5. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. A recent inspection of the project revealed the description of the point of diversion should be corrected to agree with the existing point of diversion which has been in use since 1919.
7. License condition pertaining to the continuing authority of the Board should be updated to conform to Section 780 (a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The place of use under this license shall be as follows:

Service area covers 130 acres within the SW $\frac{1}{4}$ of Section 13, and the W $\frac{1}{2}$ of Section 24, all in T35N, R5W, MDB&M.
2. The point of diversion under this license shall be corrected to read:

South 800 feet and West 1,900 feet from the NE corner of Section 22, T35N, R5W, MDB&M, being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 22.

3. The License condition pertaining to the board continuing authority be amended to read: The continuing authority provisions of this license be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to:


- (1) reusing or reclaiming the water allocated;
- (2) using water reclaimed by another entity instead of all or part of the water allocated;
- (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow;
- (4) suppressing evaporation losses from water surfaces;
- (5) controlling phreatophytic growth; and
- (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project.

No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: FEBRUARY 28 1991


Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights

ORDER

APPLICATION 1569

PERMIT 703

LICENSE 226

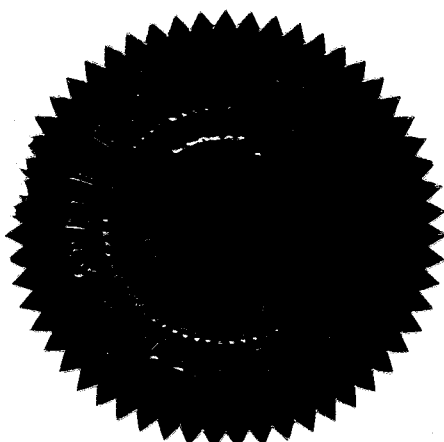
ORDER REVOKING LICENSE

On October 7, 1957, there was received from licensee a request that License 226, issued in the matter of Application 1569, be revoked.

IT IS THEREFORE ORDERED that said license be and the same is hereby revoked and canceled, without prejudice, upon the records of the State Water Rights Board.

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 17th day of June, 1958

L. K. Hill
L. K. Hill
Executive Officer



2

